

**REMARKS/ARGUMENTS**

Favorable consideration of this application is respectfully requested.

Claims 17 and 18 are presently active in this application.

The outstanding Action presents a rejection of Claims 17 and 18 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claim 1 of U.S. Patent No. 6,667,749 and a rejection of Claims 17 and 18 as being anticipated by Bertram et al. (U.S. Patent No. 5,818,446, hereinafter Bertram '446) under 35 U.S.C. §102(b).

The rejection of Claims 17 and 18 under the judicially created doctrine of obviousness-type double patenting over Claim 1 of U.S. Patent No. 6,667,749 is believed to be moot in view of the Terminal Disclaimer, in compliance with 37 CFR §1.321(c), filed herewith. Accordingly, withdrawal of the rejection of Claims 17 and 18 under the judicially created doctrine of obviousness-type double patenting as being unpatentable over Claim 1 of U.S. Patent No. 6,667,749 is respectfully requested.

Applicant notes that the "filing of a terminal disclaimer simply serves the statutory function of removing the rejection of double patenting, and raises neither presumption nor estoppel on the merits of the rejection." See *Quad Environmental Technologies Corp v. Union Sanitary District*, 946 F.2d 870, 874, 20 USPQ2d 1392, 1394-5 (Fed. Cir. 1991).

Before considering the rejection of Claims 17 and 18 as being anticipated by Bertram'446 under 35 U.S.C. §102(b), it is believed that a brief review of the present invention would be helpful. In this regard, the present invention is concerned with providing a user interface apparatus which allows an easy-reuse of software components. To achieve this, the software component that is generally provided with the two roles of providing display output and operation input is composed of two separated (independent) software components which are claimed (in parent independent Claim 17) as a "menu flow software

object configured to control the transfer of the contents of the operation menu" to thus manage the display output, and an "operation software object separate from the menu flow software object and functioning in cooperation with the menu flow software object to control processing of the operation input by the processor and to create, change, and delete the input operation" to thus manage the operation input. With this configuration, variations of software associated with the display layout and operation input can be localized and, therefore, reuse of the software components is made easier. This decreases the load on software development engineers and, consequently, increases efficiency of software development.

According to the outstanding Official Action, Bertram'446 teaches the above-noted Claim 17 "menu flow software object configured to control the transfer of the contents of the operation menu" relative to the disclosure at column 2, lines 50-55 and the above-noted Claim 17 "operation software object separate from the menu flow software object and functioning in cooperation with the menu flow software object to control processing of the operation input by the processor and to create, change, and delete the input operation" to thus manage the operation input" as to the disclosure at column 1, lines 45-51.

However, the disclosure at relied on column 1, lines 45-51 does not teach any "functioning in cooperation with the menu flow software object (being interpreted by the outstanding Action to be the software of FIGS. 4A and B that simply determines a new user interface) to control processing of the operation input by the processor and to create, change, and delete the input operation."

In this regard, the relied on teachings of column 2, lines 50-55 simply reference "FIG. 4 consisting of FIGS. 4A and 4B schematically illustrates a procedural flow of a software process for implementing the preferred embodiment of the invention as a user interface change control detection and selection control means according to the invention" (emphasis

added). The actual description of FIGS. 4A and 4B appears at column 9, lines 26-41, where it is made clear that the teachings in these Figures is that:

There is a specific set of functions that must be processed whenever activating a new user interface is required. The sequence of these functions is important, since the currently active user interface should be suspended in a condition from which it can easily be later resumed. All of the outstanding requested content which may be pending URL requests for the currently active user interface should be held in a queue during the transition to the new user interface. After the new user interface is activated, the queued requests may be passed to the new user interface for display. Also, since all of the content requests will be saved, a history list will be constructed which may be passed to the new user interface if it requires a copy of the history list for its own control purposes such as is done in our aforementioned, copending, commonly assigned application. (Emphasis added).

Thus it is clear that the “new user interface” is taught to be substituted entirely for the suspended previously active user interface and accordingly, that the new interface will manage both the display and provide for processing inputs as to the new user interface. See column 2, lines 23- 32 that further note this substitution of the “new user interface” (there noted as the “desired user interface”) for the full control of the input and display of the computer as follows:

The foregoing and still other objects of the invention which are not specifically enumerated, have been met in the present invention by enhancing the computer system to include software means for detecting that a user control change is desired, means for determining which of a plurality of possible user interface controls is requested, and means for loading the desired user interface controls into the computers memory for use by the processor in displaying data and control indicators on the display of the computer for the user to interact with. (Emphasis added).

This change of the user interface to suspend a standard user interface and to replace it with a new user interface is contrasted with the operations and difficulties with standard user interfaces that include browsers with customizing provided by a menu bar or a tool bar at column 1, lines 39-56, of Bertram ‘446 as follows:

User interfaces also exist for a variety of well-known Internet retrieval and display programs, called browsers, that present data in a display area on

the computer display screen that has been retrieved from the World Wide Web. Browser interfaces, too, also come in a wide variety of functional and appearance embodiments and differ from one supplier to the next. Each browser typically has only one user interface, that which was designed by its producer for use by those who employ the browser. Typically, a browser interface may be customized to a certain degree but cannot be replaced completely. For example, a browser may have a menu bar or tool bar whose contents can be changed, removed or arranged differently for customization. Also, some browser user interface components can be customized by referencing new executable code. Again, however, the user cannot replace the entire user interface. The basic structure of the user interface remains the same, since only specific functions can be customized. (Emphasis added).

Thus, it is the object and teaching of Bertram '446 to improve upon the mere customization of known browser interfaces by changing to a new interface while suspending the previous interface with whatever customization features it might or might not possess. This being the teaching of Bertram '446, there is absolutely no reasonable suggestion in Bertram '446 that points to the suspended browser, that might have a menu bar or a tool bar that are also suspended, as somehow cooperating with the new user interface, that now is in complete control of any input operation as well as the display, to generate, change or delete anything.

Accordingly, Bertram '446 clearly does not teach or suggest that the **REPLACED** browser interface with menu and tool bars of column 1, lines 45-51 is to somehow cooperate with the software for selecting a new interface that is taught by FIGS 4A and 4B to control processing of the input by the processor, much less is there any disclosure that this suspended menu or toll bar will provide the expressly stated ability to "create, change and delete the input function." Instead, column 1, lines 49-51, relate to the contents of the menu bar or toll bar of the browser being "changed, removed or arranged differently," not to creating, changing and deleting an input function anything," where this browser customization is suspended anyway when the browser is suspended with the change to the new user interface.

Thus, the outstanding Action violates precedent because the arrangement of Claim 17 requires a "menu flow software object configured to control the transfer of the contents of the

operation menu” with the above-noted Claim 17 “operation software object separate from the menu flow software object and functioning in cooperation with the menu flow software object to control processing of the operation input by the processor and to create, change, and delete the input operation” to thus manage the operation input.” There is no teaching or suggestion to be found in Bertram ‘446 that the software process of FIGS 4A and 4B briefly noted at column 2, lines 50-55 (that disclose the manner of substituting a new user interface for a previously used and suspended user interface, such as a standard browser with its standard customizing features, all as fully noted above) could or should cooperate with a suspended browser to customize the browser menu bar (or suspended browser tool bar) to control any processor processing, much less the required control “to create, change, and delete the input operation.

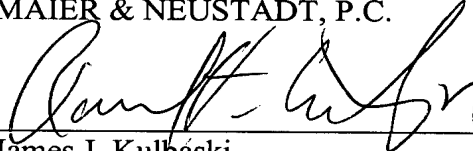
In this regard, anticipation requires the citation of a single prior art reference that discloses each and every element arranged together exactly as in the claimed arrangement. See In re Bond, 15 USPQ2d 1566 (Fed. Cir. 1990); Lindemann Maschinen Fabrik GMBH v. American Hoist & Derrick Co., 221 USPQ 481 (Fed. Cir. 1984); Ex parte Gould, 6 USPQ2d 1680 (Bd. Pat. App. & Int. 1987); and Ex parte Osmond, 191 USPQ 334 (Bd. Pat. App. & Int. 1973). Thus, and as fully explained by the Board in Osmond, at 191 USPQ 336, merely pointing to isolated reference disclosures lacking any teaching in the reference containing them that they should be combined into the claimed arrangement does not establish anticipation.

Thus, the outstanding rejection of Claims 17 and 18 as being anticipated by Bertram ‘446 under 35 U.S.C. §102(b) is traversed.

As no further issues are outstanding in the present application, it is believed to be clearly in condition for formal allowance. Accordingly, an early and favorable action to that affect is therefore earnestly and respectfully requested.

Respectfully submitted,

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